IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 33156 of 2007(V)

PETITIONER:

SAJIVAS, VISHNU VIHAR, NEDIYARA POST,
ANCHAL, KOLLAM DISTRICT.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. THE KERALA CO-OPERATIVE TRIBUNAL
TRIVANDRUM.

2. THE ASSISTANT REGISTRAR (ARBITRATOR),
KOLLAM DISTRICT CO-OPERATIVE BANK LTD.
KOLLAM.

3. THE BRANCH MANAGER, THE KOLLAM DISTRICT
CO-OPERATIVE BANK LTD., ANCHAL BRANCH, ANCHAL,
KOLLAM.

4. THE KOLLAM DISTRICT CO-OPERATIVE BANK
LTD., KOLLAM REPRESENTED BY ITS GENERAL MANAGER.

5. THE SALE OFFICER, THE KOLLAM DISTRICT
CO-OPERATIVE BANK LTD., KOLLAM.

BY GOVERNMENT PLEADER ANU SIVARAM
ADV. SRI. B.VINOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C). 33156/2007

Dated this the 12th day of November, 2007

JUDGMENT

Ext.P1 ex parte award was passed against the petitioner on 20.5.2001 as per the Kerala Co-operative Societies Act. Ext.P2 appeal, therefore, was dismissed by the Co-operative Appellate Tribunal on default. An application for restoration of that appeal was also dismissed for default on 30.8.2003.

2. When this writ petition comes up for admission on 12.11.2007, the learned counsel for the writ petitioner submits that though the said proceedings had become final, the only grievance as of now is that in spite of Ext.P7, benefits that may be due, to reduce the outstandings, are not being given.

3. There is no reason to assume that the petitioner is entitled to any relief in Ext.P7, terms of that would not be extended by the Bank. But at the same time, the fact remains that the petitioner has not deposited any amount and all that he attempts is only to drag on the

proceedings. Though it is stated that the petitioner has paid an amount of Rs.5,000/- to the Bank, that is a paltry sum when compared to the outstanding due.

Under such circumstances, this writ petition is disposed of directing that if the petitioner pays an amount of Rs.1,00,000/- within a period of one month from now, and a further amount of Rs.1,00,000/- within a further period of one month, the Bank will extend to the petitioner such reliefs, if any, as may be available in terms of Ext.P7 and intimate the petitioner the entire amounts that would be due from him. He shall then be given an opportunity to pay such balance in three equal monthly instalments. However, if the petitioner fails to make any of the remittance in terms of this judgment, the Bank will be entitled to proceed to recover all the outstandings as may be due to it.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs